

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-7256

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ROBERT STERLING DORSEY, a/k/a Pete Dorsey,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Leonie M. Brinkema, District Judge. (CR-99-254)

Submitted: April 26, 2006

Decided: May 30, 2006

Before WILKINSON, LUTTIG,¹ and TRAXLER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Robert Sterling Dorsey, Appellant Pro Se. Sonya LaGene Sacks, OFFICE OF THE UNITED STATES ATTORNEY, Alexandria, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

¹Judge Luttig was a member of the original panel but did not participate in this decision. This opinion is filed by a quorum of the panel pursuant to 28 U.S.C. § 46(d).

PER CURIAM:

Robert Sterling Dorsey seeks to appeal the district court's order dismissing his motion filed under 28 U.S.C. § 2255 (2000).² An appeal may not be taken from the final order in a § 2255 proceeding unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2000). A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2000). A prisoner satisfies this standard by demonstrating that reasonable jurists would find that his constitutional claims are debatable and that any dispositive procedural rulings by the district court are also debatable or wrong. See Miller-El v. Cockrell, 537 U.S. 322, 336 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683 (4th Cir. 2001). We have independently reviewed the record and conclude that Dorsey has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED

²The district court recharacterized Dorsey's paper entitled "motion to amend sentence" as a "motion to correct sentence," presumably brought pursuant to 28 U.S.C. § 2255 (2000).